

## Lisa Schreckengost

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**From:** Maestas, Connie <cmaestas@blm.gov>  
**Sent:** Friday, November 20, 2015 4:26 PM  
**To:** mark.c.patterson.civ@mail.mil  
**Cc:** Debby Lucero  
**Subject:** [Non-DoD Source] Fwd: DTS Assignment--Partial Modification, Trnsf of Admin Jurisd and Change of Use, Ft Wingate, NM

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Mark,

In looking at Item 5, it states the parcel has a RR ROW and other assorted ROWs. I don't know any info on the RR ROW but they would be the party responsible for the contaminant on the parcel. Just FYI. You can talk to Debby about this when you speak with her again, if you'd like, or the WO Solicitor.

Thanks,  
Connie Maestas

----- Forwarded message -----

**From:** Lucero, Debby <dlucero@blm.gov < Caution-mailto:dlucero@blm.gov > >  
**Date:** Tue, Sep 22, 2015 at 7:30 AM  
**Subject:** Re: DTS Assignment--Partial Modification, Trnsf of Admin Jurisd and Change of Use, Ft Wingate, NM  
**To:** "Barnes, Michael" <m1barnes@blm.gov < Caution-mailto:m1barnes@blm.gov > >  
**Cc:** Connie Maestas <cmaestas@blm.gov < Caution-mailto:cmaestas@blm.gov > >, John Brenna <jbrenna@blm.gov < Caution-mailto:jbrenna@blm.gov > >, Andrew Archuleta <aarchule@blm.gov < Caution-mailto:aarchule@blm.gov > >

It's best if you hold it, I will contact BIA about the ESA I and II reports and see if they can update them or contract them. As long as it is taking in DC to surname it is likely a never ending process of updating reports! Thanks for holding the package.

Debby

**Debby Lucero**  
**Supervisory Realty Specialist**  
**Bureau of Land Management**  
**New Mexico State Office**  
**(505) 954-2196**

On Mon, Sep 21, 2015 at 3:47 PM, Barnes, Michael <m1barnes@blm.gov < Caution-mailto:m1barnes@blm.gov > > wrote:

Hi Debbie: Vanessa returned the Ft. Wingate file to me and based on the email from Elizabeth Carls of the Solicitor's Office, it looks like the case could be resubmitted after corrections are made and reports updated. Do you want me to send you the file I have or hold it?

Thanks  
Mike

Michael Barnes  
BLM National Withdrawals Coordinator  
Bureau of Land Management  
W 503-808-6155

On Tue, Sep 8, 2015 at 7:08 AM, Carls, Elizabeth <elizabeth.carls@sol.doi.gov < Caution-mailto:elizabeth.carls@sol.doi.gov > > wrote:

All:

We are returning the Fort Wingate package to BLM with no surname, for the following reasons -none of which includes the issues raised in our previous correspondence (see email from Aaron Moody to Vanessa Engle, dated, Thursday, Feb. 19, 2015), regarding the possible difficulties that may arise if/when BLM is ready to extend this withdrawal. As we have noted, section 204 of FLPMA includes certain requirements when renewing withdrawals.

We have consulted with our SOL colleagues in DLW who address hazmat issues, as well as with our colleagues in the SOL Division of Indian Affairs.

- 1) The ESA Phase I looks generally competent.
- 2) The ESA Phase I does not appear to raise any red flags with respect to Parcels 4B, 5B, 8, or 10A.
- 3) The ESA Phase I is out-of-date. Under 602 DM 2, an ESA Phase I is only good for 12 months. This one is dated Sept. 13, 2012.
- 4) Therefore, theoretically, the withdrawal modification could go forward for Parcels 4B, 5B, 8 and 10A, assuming the BIA would conduct, at a minimum, a site inspection of these four parcels, and document that nothing has changed since Sept. 13, 2012. They should also check to make sure they are in compliance with the other terms of 602 DM 2.
- 5) The ESA Phase I identifies a Recognized Environmental Condition (REC) with respect to Parcel 25, which is burdened with a RR ROW and other assorted ROWs. The ESA Phase I recommends investigation of the REC on Parcel 25, to evaluate whether hazardous substances or petroleum products are present.
- 6) This means an ESA Phase II should be conducted by BIA, and hazards, etc., remediated by Army, if at all possible, and/or assessed as to liability in order to determine the appropriate level of acceptance by DOI, under 602 DM 2.
- 7) Apparently, the BIA determined, in November, 2012, for reasons unknown, and upon evidence undocumented, that no Limited Environmental Site Evaluation (LESE), or other ESA Phase II evaluation, was necessary. This determination also misrepresents the ESA Phase I recommendation. (see item BLMLOOO62 Environmental Site Assessment 2).
- 8) In view of these circumstances, our DIA colleagues have reached out to Eldine Stevens in BIA, who handles the hazmat issues for BIA HQ.

Based on all of this, we are returning the package. If desired, BLM could revise the various documentation, in particular, the PLO, to reflect the modification of the withdrawal to only address Parcels 4B, 5B, 8, and 10A, and consult further with BIA regarding Parcel 25. However, even if BLM elects to modify the PLO and go forward with just these four parcels, the ESA Phase I is, at this point, not in

compliance with 602 DM 2, and steps need to be taken to rectify this circumstance if BLM were to wish to adjust the PLO so that we can review and, eventually surname it as legally sufficient for ASLM signature.

Please let us know if you would like to discuss, etc.

Thanks!

-Elizabeth

**Elizabeth Carls**  
US Department of the Interior  
Office of the Solicitor  
Division of Land & Water Resources  
elizabeth.carls@sol.doi.gov < Caution-mailto:elizabeth.carls@sol.doi.gov >  
202-208-6401

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From: <DTS@fws.gov < Caution-mailto:DTS@fws.gov > >  
Date: Wed, Aug 12, 2015 at 12:06 PM  
Subject: DTS Assignment--Partial Modification, Trnsf of Admin Jurisd and Change of Use, Ft Wingate, NM  
To: elizabeth.carls@sol.doi.gov < Caution-mailto:elizabeth.carls@sol.doi.gov >

Hello and welcome to the DTS automated email alert!

Your office (DLW-BPL-Carls.e) has a task assigned to Elizabeth R Carls.

Please log on to the Data Tracking System at the following URL Address: Caution-  
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Document Subject: Partial Modification, Trnsf of Admin Jurisd and Change of Use, Ft Wingate, NM  
Synopsis: Transfer of Admin from Dept of Army to DOI-BIA and change of use  
Action Required: 2-Appropriate Action  
Assigned By Office: DLW-Support Staff User: Renee Cooper

\*\*Thank you\*\*.

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**Connie B. Maestas** | Realty Specialist | [cmaestas@blm.gov](mailto:cmaestas@blm.gov) < Caution-  
<mailto:cmaestas@blm.gov> > | Rio Puerco Field Office  
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